



APR. 14. 2005 4:21PM

FOLEY 8587926773

NO. 2621 P. 1

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TO:	PHONE #:	FAX #:
United States Patent and Trademark Office Mail Stop ISSUE FEE Examiner: Marjorie Moran Art Unit: 1631	(703) 308-1202	(703) 746-4000

**From :** Barry S. Wilson**Date :** April 14, 2005**Client/Matter No :** 026063-1901**User ID No :** 3067**MESSAGE:****Re:** US Patent Application No.: 09/045,732**Our Ref.:** 026063-1901

Attached please find:

- Issue Fee Transmittal (1 pg.);
- Issue Fee Transmittal Form PTOL-85(B) (1 pg.); *In Duplicate*
- Communication Regarding Patent Term Adjustment (2 pgs.);
- Authorization to charge Deposit Account No. 50-0872 in the amount of \$1,430.00.

If there are any problems with this transmission or if you have not  
received all of the pages, please call 858.847.6700.

Operator:	Time Sent:	Return Original To: Germaine Sarda
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NO. 2621 P. 2

Atty. Dkt. No. 026063-1901

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Carl W. Fuller, et al.  
**Title:** DERIVATIVES OF 7-DEAZA -2' -  
DEOXYGUANOSINE- 5' -  
TRIPHOSPHATE, PREPARATION  
AND USE THEREOF

**Appl. No.:** 09/045,732

**Filing Date:** 3/20/1998

**Examiner:** Marjorie Moran

**Art Unit:** 1631

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Germaine Sarda (Printed Name)  <i>Germaine Sarda</i> (Signature)  April 14, 2005 (Date of Deposit)
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**ISSUE FEE TRANSMITTAL**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed herewith please find Issue Fee Transmittal Form PTOL-85(B). Please charge Deposit Account No. 50-0872 in the amount of \$1,430.00 for payment of the Issue Fee and ten additional copies of the issued utility patent. Also enclosed please find a letter (under a general obligation of candor and good faith in practice before the office) regarding recalculation of the Patent Term Adjustment.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.18, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date April 14, 2005

By *Barry S. Wilson*

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (608) 258-4303  
Facsimile: (608) 258-4258

Barry S. Wilson  
Attorney for Applicant  
Registration No. 39,431



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NO. 2621 P. 5

Atty. Dkt. No. 026063-1901

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Carl W. Fuller, et al.  
Title: DERIVATIVES OF 7-DEAZA -2' -  
DEOXYGUANOSINE- 5' -  
TRIPHOSPHATE, PREPARATION  
AND USE THEREOF

Appl. No.: 09/045,732

Filing Date: 3/20/1998

Examiner: Marjorie Moran

Art Unit: 1632

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  Germaine Sarda (Printed Name)  (Signature)  April 14, 2005 (Date of Deposit)
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**COMMUNICATION REGARDING PATENT TERM ADJUSTMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants hereby respectfully request that the Patent Office recalculate the Patent Term Adjustment. It is believed that the Patent Term Adjustment should be 0 days. This letter is being filed consistent with the general obligation of candor and good faith in practice before the Office and pursuant to the PTO's response to Comment 43 of the Final Rule RIN 0651-AB06 published in the Federal Register, Vol. 65, No. 181, on September 18, 2000, which states as follows:

**"In order to comply with this duty and where the correct adjustment is thought to be less than indicated by the Office, an application for term adjustment under § 1.705(b) need not be filed. Instead, a letter could be filed with the issue fee payment, indicating that the term adjustment is thought to be longer than appropriate."**



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NO. 2621 P. 6

Atty. Dkt. No. 026063-1901

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Respectfully submitted,

Date April 14, 2005

By Barry S. Wilson

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